

FV211-CS1

June 1999

Commodity Specification

Fresh Fruit



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I. General**A. U.S. Standards**

Fresh fruit (product/commodity) produced under this Commodity Specification must meet the requirements specified in the applicable United States Standards for Grades of fresh fruit (U.S. Standards) effective on the date of the Invitation for Offers to Sell (Invitation). The U.S. Standards are published separately (7 C.F. R. part 51) and are incorporated herein and made a part of this Commodity Specification.

B. Exceptions to U.S. Standards

Additional exceptions may be specified in the applicable Invitation. Any authorized exceptions contained in the applicable Invitation shall have precedence over the requirements contained herein, for that Invitation only.

C. Product Origin

1. Commodities delivered pursuant to this Commodity Specification shall have originated from crops that have been 100% grown, and packed in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands, (hereinafter referred to as the United States). See Section I.F. of Announcement FV-211.
2. If the contractor handles any commodity originating from sources other than the United States, the contractor must have a written plan to segregate the commodity. This segregation plan will include an identification and record system for all commodities to ensure they are completely segregated and cannot be used to fulfill contracts awarded by USDA. Such segregation plan must be made available to representatives of the Agricultural Marketing Service (AMS).
3. The contractor must maintain positive written documentation records evidencing 100 percent domestic origin, to the grower level. Contractors must also ensure that the documentation provided by any sub-contractors demonstrates the same level of traceability. The burden of proof of compliance is on the contractor.

Documentation may include load or warehouse storage receipts for fresh products (i.e., bin tags), product coding explanations, warehousing records, shipping or payment records, or other documentation or evidence that clearly establishes the product's domestic origin.
4. Contractors must provide the domestic origin certification and supporting documentation records to representatives of the AMS Fruit and Vegetable Programs, Fresh Products Branch (USDA Grader). when requesting inspection service. USDA graders will select and review at least one code for each contract to determine compliance with the Agency's domestic origin requirements.

5. Such records must be available for review by the Government in accordance with Article 76 of USDA-1. In the event of an audit, AMS auditors will examine as many codes as is necessary to verify compliance.
6. Self-certifications by contractors and sub-contractors will not be accepted.
7. Failure to observe this requirement may lead to suspension or debarment, contract termination, and penalties at Title 18, Section 1001 of the US Code concerning falsification of information.

D. Packing Season

All fresh fruit must be from the current packing season/crop year, unless otherwise specified in the applicable Invitation.

E. Containers and Packing

1. The product delivered to USDA shall be packed in new, good quality cartons, so constructed as to insure acceptance by common carrier or other carrier for safe transportation for domestic shipment. These cartons shall be of the same dimensions as those used in normal commercial transactions. These packing requirements provide that pack shall be at least fairly tight or fairly well filled. The tolerances applicable under such packing requirements shall apply.
2. The containers and case markings shall meet the United States Standards for Condition of Food Containers (7 CFR Part 42). In addition to any other commercial markings, each carton shall show the grower's or shipper's name and address, variety, grade (state grade may be shown if in compliance with paragraph II, and size by count.

F. Palletization Requirements

1. Pallets
Pallets must be on 40 X 48 inch, non-reversible, flush stringer, and partial four-way entry. New pallets must be good quality wood. Used pallets must be No.1 hardwood or its equivalent in new softwood. If pallet exchange is desired, the contractor shall arrange for pallet exchange with consignees. USDA is in no way responsible for arrangement of pallet exchange.
2. Unitization
Each delivery unit of fresh fruit must be unitized. Shipping cases must be stacked and secured from top to bottom, so that each container and layer of containers becomes an integral part of the pallet. Either stretch wrapping with plastic film, netting, or "lock 'n pop" is acceptable.

II. Individual Commodity Specifications –

A. Fresh Apples

1. Grade - U.S. Fancy. (State grades will be acceptable provided the apples meet the requirements of the U.S. Fancy Grade).
2. Types of Pack and Size Requirement
 - (a) tray pack - minimum size 150; maximum size- 100
 - (b) cell pack – minimum size 140; maximum size – 96
3. Apples in each offer unit ordered delivered by USDA shall contain product of not more than three (3) adjacent sizes nor be in more than three locations at the time of inspection. Each size shall be segregated in the shipment with a minimum of intermingling of the sizes. If shipment is by truck, the location and count of each size in the truck (front, center, and tail) shall be noted on the shipping manifest by the contractor.
4. Apples shall also meet the **United States Condition Standards for Export**.
5. Tenderness and Maturity – not more than an average of **five percent in any lot and ten percent in individual containers** may be further advanced in maturity than firm ripe.
6. Must be loaded into a refrigerated trailer capable of holding air temperature not to exceed 40° F.
7. Refrigerated shipment at 34° to 40° F.

B. Pears

1. Grade - U.S. No. 2. (provided that the pears do not contain more than **five percent** condition defects, including not more than a total of **two percent** decay and/or internal breakdown. State Grades will be acceptable provided that the pears meet the minimum requirements of U.S. No. 2 Grade (Oregon/Washington Fancy).
2. Tenderness and Maturity - not more than an average of **10 percent** of the pears in any lot or more than **15 percent** in any container, may be further advanced in stages of ripeness than firm.
3. Pack and Size Requirement
 - (a) tray pack - minimum size 165; maximum size- 90.
 - (b) wrapped pack – minimum size 165; maximum size - 90.

4. Pears in each offer unit ordered delivered by USDA shall contain product of not more than three (3) adjacent sizes nor originate from more than three locations. Each size shall be segregated in the shipment with a minimum of intermingling of the sizes. If shipment is by truck, the location and count of each size in the truck (front, center, and tail) shall be noted on the shipping manifest by the contractor.
5. The grade, quality, condition, count, size pack, and the stage of firmness requirements referred to herein are defined in **United States Standards for Grades of Summer and Fall Pears**, and the **United States Standards for Grades of Winter Pears**, in effect on the date of the Invitation.
6. Must be loaded into a refrigerated trailer capable of holding air temperature not to exceed 40° F.
7. Refrigerated shipment at 34° to 40° F.

III. Inspection

A. Requirements (Apples)

Representatives of the AMS, Fruit and Vegetable Programs, Fresh Products Branch (USDA Grader) must perform the inspection required by Articles 54 and 55 of USDA-1.

Inspection of **fresh apples must be performed within 48 hours prior to shipment**. Whether each lot offered meets the product and container requirements of the contract must be determined on the basis of representative sample units. Representative sample units will be graded according to the Regulations Governing Inspection and Certification of Fresh Fruit and Related Products (7 C.F.R. part 51), and United States Standards for Condition of Food Containers (7 C.F.R. part 42.140), effective on the date of the Invitation.

The fresh apples shall be inspected, certified, count (number) of packages verified, and Positive Lot Identified by the Federal or Federal-State Inspection Service in accordance with the Agricultural Marketing Act of 1946. Subject to Articles 54 and 55 of USDA-1, the acceptability of the quality, and packaging, of the product must be evidenced by certificates issued by the USDA Grader.

No product shall be shipped unless the USDA Grader informs the Contractor that a designated lot is acceptable. Notice by the USDA Grader that a designated lot scheduled for shipment does not meet requirements of the contract shall constitute rejection of such lot

B. Requirements (Pears)

Inspection of **fresh pears must be performed at destination** in accordance with the same requirements stated in A above with the exception of Positive Lot Identification. The count (number) of packages shall be certified by Federal or Federal-State Inspection Service.

C. Procedures

The Contractor must give the USDA Grader at least 7 calendar days advance notice when scheduling inspection service.

IV. Failure to Meet Specifications

Any lot which fails applicable specifications prescribed herein will be rejected as not acceptable for delivery. However, the Contractor may request in writing that USDA accept delivery of the lot. USDA may, at it's option, accept delivery, provided that the purchase price is the contract price less any specified penalties

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